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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,386	02/01/2002	Warren L. Burdue	Burdue.W-01	2385

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EXAMINER

GANTT, ALAN T

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/061,386

Applicant(s)

BURDUE ET AL.

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collot, in view of Burr.

Regarding claim 1, Collot discloses a selective intercommunication device for mobile terminals in physical proximity. The system comprises a plurality of mobile terminals having means allowing them to exchange pair wise when they are located in proximity to one another, as well as means allowing them to verify data that they exchange satisfy compatibility criteria for which the terminals have been programmed. The mobile terminal comprises means allowing it to retransmit data received from a third party mobile terminal (paragraphs 19-30). Thus, Collot meets the following limitations:

plural portable communication units, (paragraph 19),

each providing: (a) a unit code, (paragraph 56)

(b) a wave energy transceiver enabled for direct communication with any other one of the communications units over a limited range, (paragraph 19)

Collot does not state the assigning of a target code nor does it state the method for retransmitting a received signal when the target code of the received signal differs from the unit code.

Burr discloses a method for discovery and routing within mobile ad hoc networks where a mobile device scans its range for newly discovered devices and the two devices arbitrate how to synchronize their internal clocks. Thus, Burr is a portable communication network that comprises the following:

(c) means for assigning a target code to each signal - transmission,

(paragraphs 0029 & 0030 [the chipping code allows this])

(d) means for detecting the target code in each signal reception,

(paragraphs 0029 & 0030 [the chipping code allows this])

(e) means for processing a received signal when the target code of the received signal equals the unit code, (paragraphs 0029 & 0030 [the chipping code allows this])

(f) means for retransmitting a received signal when the target code of the received signal differs from the unit code; whereby, through signal repeating, communication is enabled between any two of the communications units when their separation is greater than the limited range. (paragraph 0004)

Collot and Burr are combinable because they share a common endeavor namely mobile terminal that can connect to other terminals without requiring a base station. At the time of the applicant's invention it would have been obvious to modify Collot to include a means for determination of target and unit codes as done by Burr so that a determination can be made regarding the handling of the incoming signal.

Regarding claim 2, Burr meets the limitation - The portable communication network of Claim 1, wherein each of the units further comprises means for assigning route codes to each of the retransmitted received signals. (paragraphs 0029 & 0030 [the chipping code allows this])

Regarding claim 3, Burr meets the limitation - The portable communication network of Claim 1, wherein each of the units further comprises means for assigning the unit code to each signal transmission – [(paragraph 0023 and 0041) (paragraphs 0029 & 0030 [in that an identifier is stored in the device along with the use of a chipping code])

Regarding claim 4, Burr suggests the limitation - The network of Claim 2 wherein each of the units is further enabled for assigning a selected route code to a transmission subsequent to a previous transmission having the selected route code. (paragraphs 0004, 0029, 0030 [the retransmit function to a third mobile suggests that Burr accomplishes this])

Regarding claim 5, Burr meets the limitation - The network of Claim 1 wherein at least one of the units is further enabled for fixed-wire communication. (paragraphs 0021 and 0022 [terminal may be wire based])

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art uses a server for the locating functions, whereas a mobile terminal that is enabled for measuring a time delay between an interrogation and reply and that sends position information of the units within a reply message and determines the relative position of the units using a triangulation method was neither found, suggested, nor made evident by the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myer discloses a system for mobile controlled direct mode wireless local calling between wireless subscribers without involving network infrastructure.

Bradley et al. discloses a low-cost wide area information network with mobile nodes to allow communication with a fleet operator.

Nakashima et al. discloses a mobile communication system for supporting multiple simultaneous communications on a single mobile terminal.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

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Alan T. Gantt

Alan T. Gantt

May 26, 2004

Nick Corsaro

**NICK CORSARO
PATENT EXAMINER**